

AFFIDAVIT OF SUITABLE SERVICE

INDEX # 06-5112^N

U S District COURT OF THE STATE OF NEW YORK
COUNTY OF New York

Barry Gibbs

- against -

Louis Eppolito Sr Et Al

COCHRAN NEUFELD & SCHE
99 Hudson St
NEW YORK
NY 10013

Atty File # 2049

Record # 87990

(212) 965-9081

File # 15

STATE OF NEW YORK: COUNTY OF NASSAU: ss

William E Wittenhagen Li#951045 being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York:

That on 04/17/07 at 2:19pm at One Police Plaza New York Ny 10038 deponent served the within Summons & Complaint In A Civil Action on John Muldoon recipient therein named.

After your deponent was unable with due diligence to serve the recipient in person, service was made by delivering a true copy thereof to and leaving with David Goldfarb Attorney a person of suitable age and discretion at One Police Plaza New York Ny 10038 said premises being the recipient's usual place of business within the State of New York.

Deponent completed service by depositing a copy of the Summons & Complaint In A Civil Action on 04/17/07 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Mailing was made to One Police Plaza New York Ny 10038

Attempts:
A description of the person served on behalf of the defendant is as follows:
Approx Age: 30 Years Approx Weight: 170 Lbs. Approx Height: 5'7"
Sex: Male Color of Skin: White Color of Hair: Black
Other:

Deponent spoke to David Goldfarb-Attorney same as above,

confirmed the above address of defendant and asked whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependent of anyone in the military and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

Sworn to before me this 04/18/07
Maureen Scarola #01506127636
Notary Public, State of New York
Nassau County, Commission Expires 05/31/09

William E Wittenhagen Li#951045



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